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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/563,405	01/04/2006	Artur Schworer	3450	4557

7590 12/13/2007  
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EXAMINER
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SAFAVI, MICHAEL

ART UNIT	PAPER NUMBER
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3637

MAIL DATE	DELIVERY MODE
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12/13/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/563,405	SCHWORER, ARTUR	
	<b>Examiner</b>	<b>Art Unit</b>	
	M. Safavi	3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 16 August 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 10-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/4/06</u> . | 6) <input type="checkbox"/> Other: _____  |

***Election/Restrictions***

Applicant's election without traverse of Group II claim 10 in the reply filed on August 16, 2007 is acknowledged.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 10-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 10, line 7, "the dimensions of the propulsion of the wedge" lacks antecedent basis within the claim. Therefore, it is not clear as to what "the dimensions of the propulsion of the wedge" defines. Further, "the propulsion of the wedge" lacks antecedent basis within the claim. Therefore, it is not clear as to what "the propulsion of the wedge" defines. Line 8, it is not clear as to which turnbuckle does "the turnbuckle device" refer? Line 12 recites "particularly struts". However, it is not clear as to whether the "struts" form a part of the invention or merely serve as an example. Line 25, "the wedge guiding direction" lacks antecedent basis within the claim. Therefore, it is not clear as to what "the wedge guiding direction" defines. Lines 25-26, it is not clear as to what is being defined by "the wedge guiding direction encloses an angle with a plane of the shell skins". How does the "wedge guiding direction" enclose an angle? Line 26, "the shell skins" lacks antecedent basis within the claim. Therefore, it is not clear as to what

"the shell skins" defines. Further, it is not clear as to what is being defined by the language at lines 26-27. What for example, is being defined by "the shell skins having in common according to  $0^\circ \leq \alpha < 10^\circ$ ?"

Claim 13, it is not clear as to what is being defined by "the angle  $\alpha$  is between  $40^\circ$  and  $80^\circ$ , particularly approximately  $70^\circ$ ." What for example, is meant by "particularly approximately"? Also, is the angle defined in claim 13 between  $40^\circ$  and  $80^\circ$  or is the angle approximately  $70^\circ$  or is the angle particularly  $70^\circ$ ?

Claim 14, it is not clear as to what is being defined by "the angle  $\alpha$  is approximately  $45^\circ$ " particularly, with claim 13, from which claim 14 depends, stating that the angle is "particularly approximately  $70^\circ$ ."

Claim 19, it is not clear as to which wedge "the respective wedge" refers.

Further, claims 10-19 variously recite "turnbuckle devices" when it does not appear that the instant disclosure presents any turnbuckle device. The disclosure does not appear to set forth "a link or sleeve with a swivel at one end and an internal screw thread at the other, or with an internal screw thread at each end, used as a means of uniting or coupling, and of tightening, two parts, as the ends of two rods", *Random House Unabridged Dictionary*. Therefore, it is not clear as to how the "turnbuckle device" serves to operate within the invention of claims 10-19.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 10-19 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Spera '360.**

Spera '360 discloses, Figs. 27-30, a concrete shell system, comprising concrete shell elements 1, 2 and "turnbuckle devices" 84, having two claws 86 and a wedge 91, the claws being displaceable toward one another in a clamping direction, the wedge being guided in a clamping device 93 along a wedge guiding direction, the shell elements having multiple mounting positions for the turnbuckle devices, the mounting positions being spaced apart at an interval from one another in a direction, the turnbuckle devices are arrayed along a straight line, the wedges are positioned inclined toward the straight line in order to avoid collision of neighboring wedges as the wedges are advanced, and the wedge guiding direction "encloses an angle, (of 0-10 degrees?), with a plane of the shell skins". Examiner believes that Spera '360 has "the shell elements having multiple mounting positions for the turnbuckle devices, the mounting positions being spaced apart at an interval from one another in a direction, the turnbuckle devices are arrayed along a straight line". However, to have provided the

concrete form of Spera '360 with any number of a plurality of "turnbuckle devices" along a pair of adjacent form frames 'A', thus accounting for any given height of form that may be utilized at the time, would have been obvious to one having ordinary skill in the art at the time the invention was made.

**Claims 10-19 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Mosher '334.**

Mosher '334 discloses, Fig. 4, a concrete shell system, comprising concrete shell elements 2 and "turnbuckle devices" 9/11, having two claws 5' and a wedge 11, the claws being displaceable toward one another in a clamping direction, the wedge being guided in a clamping device, (seen at end of 11), along a wedge guiding direction, the shell elements having multiple mounting positions for the turnbuckle devices, the mounting positions being spaced apart at an interval from one another in a direction, the turnbuckle devices are arrayed along a straight line, the wedges are positioned inclined toward the straight line in order to avoid collision of neighboring wedges as the wedges are advanced, and the wedge guiding direction "encloses an angle, (of 0-10 degrees?), with a plane of the shell skins". Examiner believes that Mosher '334 has "the shell elements having multiple mounting positions for the turnbuckle devices, the mounting positions being spaced apart at an interval from one another in a direction, the turnbuckle devices are arrayed along a straight line". However, to have provided the concrete form of Mosher '334 with any number of a plurality of "turnbuckle devices" along a pair of adjacent form frames 'A', thus accounting for any given height of form

that may be utilized at the time, would have been obvious to one having ordinary skill in the art at the time the invention was made.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 10-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over French reference 2 738 859.**

French '859 discloses, Figs. 1 and 2, a concrete shell system, comprising concrete shell elements 5 and "turnbuckle devices" 1, having two claws 15, 17 and a wedge 4, the claws being displaceable toward one another in a clamping direction, the wedge being guided in a clamping device 42 along a wedge guiding direction, the shell elements having multiple mounting positions for the turnbuckle devices, the mounting positions being spaced apart at an interval from one another in a direction, the turnbuckle devices are arrayed along a straight line, the wedges are positioned inclined toward the straight line in order to avoid collision of neighboring wedges as the wedges are advanced, and the wedge guiding direction encloses an angle, (of 0-10 degrees?), with a plane of the shell skins. French '859 may not specifically show "the shell elements having multiple mounting positions for the turnbuckle devices, the mounting positions being spaced apart at an interval from one another in a direction, the

turnbuckle devises are arrayed along a straight line". However, to have provided the concrete form of French '859 with any number of a plurality of "turnbuckle devices" along a pair of adjacent form frames 6, thus accounting for any given height of form that may be utilized at the time, would have been obvious to one having ordinary skill in the art at the time the invention was made.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Safavi whose telephone number is (571) 272-7046. The examiner can normally be reached on Mon.-Thur., 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



**MICHAEL SAEVAVI**  
**PRIMARY EXAMINER**  
**ART UNIT 354**

M. Safavi  
October 23, 2007